

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

RONALD M. TRIMP,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,

Defendant.

CV 21-69-H-JTJ

ORDER

Plaintiff Ronald M. Trimp (Trimp) has moved for an award of attorney's fees and expenses in the amount of \$6,433.74 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and an award of costs in the amount of \$402.00 under 28 U.S.C. § 1920. The Commissioner of the Social Security Administration (Commissioner) does not oppose the motion. (Doc. 17-9).

The Court has reviewed Trimp's motion. The requested fee award represents 2.7 attorney hours at a fee rate of \$217.54 per hour, 22.8 attorney hours at a fee rate of \$234.95 per hour, and 6.2 paralegal hours at a fee rate of \$75.00 per hour. (Doc. 17 at 2-3). The Court finds that the motion is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the

plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If the plaintiff has no debt that qualifies as an offset under the Treasury Offset Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, *2 (D. Mont. Sept. 7, 2018).

Accordingly, IT IS HEREBY ORDERED:

1. Trimp's Motion for an Award of Fees, Expenses and Costs (Doc. 16) is GRANTED. Trimp is entitled to an award of attorney's fees and expenses under 28 U.S.C. § 2412 in the amount of \$6,433.74, less any offset allowed under the Treasury Offset Program. Trimp is also entitled to an award of costs in the amount of \$402.00 under 28 U.S.C. § 1920.

2. If, after receiving this Order, the Commissioner determines that Trimp owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Trimp in the amount of \$6,835.75 less the amount of the offset. Trimp's award check should be mailed to Trimp's attorney, Eric Rasmusson, at the following address:

Rasmusson Law Offices PLLC
218 East Front Street, Suite 200
P.O. Box 7825
Missoula, MT 59807

3. If the Commissioner determines that Trimp has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Trimp has assigned his right to the EAJA award to his attorney, the Commissioner should should make the check payable to Eric Rasmusson.

DATED this 8th day of February, 2023.



John Johnston
United States Magistrate Judge